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40987 7590 04/21/2009 Novak Druce + Quigg LLP CityPlace Tower, 525 Okeechobee Blvd. Fifteenth-Floor WEST PALM BEACH, FL 33401				
EXAMINER				
DANIEL JR, WILLIE J				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/919,391

**Applicant(s)**

FITZPATRICK ET AL.

**Examiner**

WILLIE J. DANIEL JR

**Art Unit**

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on 22 January 2009. **Claims 1 and 23-24** are now pending in the present application and **claims 2-22** are cancelled. This office action is made **Final**.

2. Brief Description of Location Information

For example, when a subscriber travels outside a home time zone (or **dateline**)... (for above paragraph - see instant application, section description of the related art, pg. 2, lines 12 et seq.).

As a note, the statement above indicates that a time zone is synonymous to a dateline, in other words refers to a date of the time zone.

### *Claim Objections*

3. The objection applied to the claim is withdrawn, as the proposed claim correction is approved.

### *Claim Rejections - 35 USC § 101*

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 24** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claim 24** is drawn to a "...computer-readable storage..." (descriptive material) *per se* and considered non-statutory subject matter.

- a. **Claim 24** recites the limitation "...computer-readable storage..." in line(s) 1 of the claim. Consequently, the specification fails to describe what constitutes *computer-readable storage*. As a result, the *computer-readable storage* does not exclude a *propagated signal*.

Regarding **claim 24**, the Examiner requests clarification as to what constitutes the "...computer-readable storage..." as supported by the by the specification. The applicant is advised to review the subject matter of the specification (see pg. 12, lines 4-10), which basically describes a computer system with a computer program.

See MPEP § 2106.01(I). Data structures not claimed as **embodied in computer-readable media** are descriptive material *per se* and are not statutory because they are **not capable of causing functional change in the computer**. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures **do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention** which permit the data structure's functionality to be realized.

5. Due to the 101 rejection of the current claim language, the Examiner has given a reasonable interpretation of said language and the claims are rejected as broadest and best interpreted. In addition, applicant is welcomed to point out where in the specification the Examiner can find support for this language if Applicant believes otherwise.

6. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code 103(a) not included in this action can be found in a prior Office action.

**Claims 1 and 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rignell et al.** (hereinafter Rignell) (**US 5,818,920**) in view of **Labban (US 6,574,486 B1)**, **Brisebosis et al.** (hereinafter Brisebois) (**US 6,853,711 B2**), **Seppo (GB 2284965 A)**, and **Wang et al.** (hereinafter Wang) (**US 6,934,543 B2**).

Regarding **claim 1**, Rignell discloses a method for providing an originating party utilizing an originating pervasive communication device (PCD) (e.g., mobile terminals A, B, C) with information local to a receiving party utilizing a receiving PCD (e.g., mobile terminals A, B, C) (see abstract; col. 3, lines 28-50; col. 7, lines 1-2; Figs. 1-3) comprising the steps of:

identifying an attempt to originate a call or a message (e.g., call) from the originating PCD (e.g., subscriber A) to the receiving PCD (e.g., terminal C) (see col. 5, lines 5-21);

prompting the originating party utilizing the originating PCD to decide whether or not to receive information local to the receiving PCD (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request

as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

upon the originating party deciding to receive the information local to the receiving PCD, sending a request for the local information to a service provider of the receiving PCD from a service provider of the originating PCD (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request and information is provided via the system as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

retrieving the information local to said receiving PCD (C) by the service provider of the receiving PCD (see col. 5, lines 15-19; Fig. 3), where the local information is the time and time zone of the receiving handheld device and information is provided via the system,

wherein said local information comprises a current time, date, and location (e.g., time zone or geographic area) of said receiving PCD (C) and information indicating whether said receiving PCD (C) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (C) indicates a filter is active in which the “not to be disturbed” would be inherent to provide restriction of a call during a certain time range and where the local information includes the local time of day and the time zone that the receiving handheld device is located in which the date would be inherent which is due to the location and/or time zone of the calling device relative to location of receiving device based on the 24 longitudinal divisions (i.e., time zones) for time keeping of the earth as evidenced

by the fact that one of ordinary skill in the art would clearly recognized (see col. 5, lines 15-19; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4);

querying the originating party as to whether to display the current location information of said receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

supplying the retrieved local information to the originating party (A) (see col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the calling subscriber (A) receives local information (e.g., time zone and local time) of receiving party (C),

wherein whether or not the current local information of the receiving party is displayed depends on an answer of the originating party to the query; prompting the originating party to select an appropriate action among available actions upon receiving the local information of the receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information,

wherein the available actions include connecting the call or message to the receiving party, deferring the call or message to a more appropriate time, sending the call or message to

a voicemail (e.g., answering machine) or mail box of the receiving party, and disconnecting the call or message (see col. 7, lines 18-25; col. 8, lines 23-25), where the calling subscriber can confirm the call by deciding to connect or terminate or be connected to an answering machine or answering service in which deferring the call or message to a more appropriate time would be inherent since the calling subscriber would be informed of the local information (e.g., time) of the called subscriber (see col. 7, lines 15-18,21-25,55-64; col. 8, lines 5-8,16-20) and determines to call back at a more convenient (or appropriate) time as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

See MPEP § 2144.04(III). [In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)...The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.].] Rignell inexplicitly disclose the features a message; local information comprises a current date; a mail box; querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication. However, the examiner maintains that the feature(s) a message; a mail box was well known in the art, as taught by Labban.

In the same field of endeavor, Labban at the least discloses the feature(s) a message; a mail box (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 “ref. 426”, 6 “ref. 624”), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS in which a mail box would be inherent for



the text messages as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature(s) a message; a mail box, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26). The combination of Rignell and Labban inexplicitly discloses having the feature(s) local information comprises a current date; querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication. However, the examiner maintains that the feature(s) local information comprises a current date was well known in the art, as taught by Brisebois.

As further support in the same field of endeavor, Brisebois at the least discloses the feature(s) local information (e.g., context information) comprises a current date (see col. 2, lines 46-50; col. 3, lines 7-9), where the system can provide a date to the calling party.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, and Brisebois to have the feature(s) local information comprises a current date, in order to have a method to provide calling and called party context information to help them better decide whether and how to initiate or accept communications, as taught by Brisebois (see col. 1, lines 36-39). The combination of Rignell, Labban, and Brisebois inexplicitly discloses having the

feature(s) querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication. However, the examiner maintains that the feature(s) querying the originating party as to whether to display the current location information of said receiving party was well known in the art, as taught by Seppo.

In the same field of endeavor, Seppo at the least discloses the feature(s) querying the originating party as to whether to display the current location information of said receiving party (see par. bridging pgs. 6-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, Brisebois, and Seppo to have the feature(s) querying the originating party as to whether to display the current location information of said receiving party, in order to provide a method for providing a user of a first telephone with the time of day within a geographical area corresponding to a second telephone, as taught by Seppo (see pg. 3, 1<sup>st</sup> full par.). The combination of Rignell, Labban, Brisebois, and Seppo does not specifically disclose having the features if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication. However, the examiner maintains that the features if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication was well known in the art, as taught by Wang.

In the same field of endeavor, Wang at the least discloses the features if the originating party (MS A) indicates that the call or message is urgent (see col. 3, lines 38-49; Fig. 2 “ref. 207-210”), where the emergency call is connected to mobile subscriber unit (B),

determining whether to send an alert signal (e.g., call) to said receiving PCD based on said determined local information and said received indication (see col. 3, lines 38-49; col. 6, lines 21-29,31-33; Fig. 2 “ref. 207-210”), where the emergency call is connected to mobile subscriber unit (B). As further support, Wang at the least further discloses the feature(s) wherein said location information indicating whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 “ref. 206” and 4); the mobile subscriber unit receives a text message (see col. 6, lines 31-33), where the mobile subscriber unit displays a text message which indicates the capabilities of transmit/receive text messages, and determining whether said current location information is to be displayed (see col. 8, lines 17-22); querying the originating party as to whether to display the current location information of said receiving party (see col. 8, lines 17-22), where the calling subscriber unit receives a text message in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize. For example, a received message is typically provided with a notification such as an alert (e.g., ringing, icon, blinking indicator, etc.) in which the user has to check an inbox to display a text message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, Brisebois, Seppo, and Wang to have the features if the originating party indicates that the call or message is urgent,

determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25, 28-29).

Regarding **claims 23 and 24**, Rignell discloses a system for providing an originating party utilizing an originating pervasive communication device (PCD) (e.g., mobile terminals A, B, C) with information local to a receiving party utilizing a receiving PCD (e.g., mobile terminals A, B, C) (see abstract; col. 3, lines 28-50; col. 7, lines 1-2; Figs. 1-3) comprising the steps of:

means for identifying an attempt to originate a call or a message (e.g., call) from the originating PCD (e.g., subscriber A) to the receiving PCD (e.g., terminal C) (see col. 5, lines 5-21);

means for prompting the originating party utilizing the originating PCD to decide whether or not to receive information local to the receiving PCD (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

means for, upon the originating party deciding to receive the information local to the receiving PCD, sending a request for the local information to a service provider of the receiving PCD from a service provider of the originating PCD (see col. 5, lines 15-19; col. 4,

lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request and information is provided via the system as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

means for retrieving the information local to said receiving PCD (C) by the service provider of the receiving PCD (see col. 5, lines 15-19; Fig. 3), where the local information is the time and time zone of the receiving handheld device and information is provided via the system,

wherein said local information comprises a current time, date, and location (e.g., time zone or geographic area) of said receiving PCD (C) and information indicating whether said receiving PCD (C) is not to be disturbed (see col. 7, lines 15-18,21-25; col. 8, lines 5-8,16-20), where the message for subscriber (C) indicates a filter is active in which the “not to be disturbed” would be inherent to provide restriction of a call during a certain time range and where the local information includes the local time of day and the time zone that the receiving handheld device is located in which the date would be inherent which is due to the location and/or time zone of the calling device relative to location of receiving device based on the 24 longitudinal divisions (i.e., time zones) for time keeping of the earth as evidenced by the fact that one of ordinary skill in the art would clearly recognized (see col. 5, lines 15-19; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4);

means for querying the originating party as to whether to display the current location information of said receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines

15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information;

means for supplying the retrieved local information to the originating party (A) (see col. 5, lines 15-19; col. 4, lines 60-64; col. 2, lines 28-31; col. 6, lines 64-67; Figs. 1-4), where the calling subscriber (A) receives local information (e.g., time zone and local time) of receiving party (C),

wherein whether or not the current local information of the receiving party is displayed depends on an answer of the originating party to the query (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 18-25; col. 8, lines 23-25);

means for prompting the originating party to select an appropriate action among available actions upon receiving the local information of the receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information,

wherein the available actions include connecting the call or message to the receiving party, deferring the call or message to a more appropriate time, sending the call or message to a voicemail (e.g., answering machine) or mail box of the receiving party, and disconnecting

the call or message (see col. 7, lines 18-25; col. 8, lines 23-25), where the calling subscriber can confirm the call by deciding to connect or terminate or be connected to an answering machine or answering service in which deferring the call or message to a more appropriate time would be inherent since the calling subscriber would be informed of the local information (e.g., time) of the called subscriber (see col. 7, lines 15-18,21-25,55-64; col. 8, lines 5-8,16-20) and determines to call back at a more convenient (or appropriate) time as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

See MPEP § 2144.04(III). [In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)...The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.]. Rignell inexplicitly disclose the features a message; local information comprises a current date; a mail box; querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication. However, the examiner maintains that the feature(s) a message; a mail box was well known in the art, as taught by Labban.

In the same field of endeavor, Labban at the least discloses the feature(s) a message; a mail box (see col. 3, lines 53-59; col. 6, lines 36-39; col. 7, lines 48-62; Figs. 4 “ref. 426”, 6 “ref. 624”), where the wireless telephone is capable of multiple types of calls possible, including a non-voice message type such as SMS in which a mail box would be inherent for

the text messages as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell and Labban to have the feature(s) a message; a mail box, in order to facilitate the ease of use of a cellular telephone by displaying to the user a menu of calling options, as taught by Labban (see col. 2, lines 19-26). The combination of Rignell and Labban inexplicitly discloses having the feature(s) local information comprises a current date; querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication. However, the examiner maintains that the feature(s) local information comprises a current date was well known in the art, as taught by Brisebois.

As further support in the same field of endeavor, Brisebois at the least discloses the feature(s) local information (e.g., context information) comprises a current date (see col. 2, lines 46-50; col. 3, lines 7-9; col. 1, lines 30-34.), where system has a called party context information that is provided to the calling party as predial information, and where the system has context information such as date, time, subject, called number, and cell site (see col. 3, lines 7-9; col. 4, line 70 - col. 5, line 5; col. 5, lines 18-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, and Brisebois to have the feature(s) local information comprises a current date, in order to have a method to



provide calling and called party context information to help them better decide whether and how to initiate or accept communications, as taught by Brisebois (see col. 1, lines 36-39). The combination of Rignell, Labban, and Brisebois inexplicitly discloses having the feature(s) querying the originating party as to whether to display the current location information of said receiving party; if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication. However, the examiner maintains that the feature(s) querying the originating party as to whether to display the current location information of said receiving party was well known in the art, as taught by Seppo.

In the same field of endeavor, Seppo at the least discloses the feature(s) querying the originating party as to whether to display the current location information of said receiving party (see par. bridging pgs. 6-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, Brisebois, and Seppo to have the feature(s) querying the originating party as to whether to display the current location information of said receiving party, in order to provide a method for providing a user of a first telephone with the time of day within a geographical area corresponding to a second telephone, as taught by Seppo (see pg. 3, 1<sup>st</sup> full par.). The combination of Rignell, Labban, Brisebois, and Seppo does not specifically disclose having the features if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication. However, the examiner maintains that the features if the originating party

indicates that the call or message is urgent, determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication was well known in the art, as taught by Wang.

In the same field of endeavor, Wang at the least discloses the features if the originating party (MS A) indicates that the call or message is urgent (see col. 3, lines 38-49; Fig. 2 “ref. 207-210”), where the emergency call is connected to mobile subscriber unit (B),

determining whether to send an alert signal (e.g., call) to said receiving PCD based on said determined local information and said received indication (see col. 3, lines 38-49; col. 6, lines 21-29,31-33; Fig. 2 “ref. 207-210”), where the emergency call is connected to mobile subscriber unit (B). As further support, Wang at the least further discloses the feature(s) wherein said location information indicating whether said receiving party is not to be disturbed (e.g., inconvenient) (see col. 3, lines 34-38; Figs. 2 “ref. 206” and 4); the mobile subscriber unit receives a text message (see col. 6, lines 31-33), where the mobile subscriber unit displays a text message which indicates the capabilities of transmit/receive text messages, and determining whether said current location information is to be displayed (see col. 8, lines 17-22); querying the originating party as to whether to display the current location information of said receiving party (see col. 8, lines 17-22), where the calling subscriber unit receives a text message in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize. For example, a received message is typically provided with a notification such as an alert (e.g., ringing, icon, blinking indicator, etc.) in which the user has to check an inbox to display a text message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rignell, Labban, Brisebois, Seppo, and Wang to have the features if the originating party indicates that the call or message is urgent, determining whether to send an alert signal to said receiving PCD based on said determined local information and said received indication, in order to filter incoming call, such that mobile calls are not established during a time which is inconvenient for the called mobile subscriber unless the call is an emergency call, as taught by Wang (see col. 1, lines 22-25, 28-29).

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 23 and 24 have been considered but are moot in view of the new ground(s) of rejection necessitated by the new claims.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

9. Applicant's arguments filed 22 January 2009 have been fully considered but they are not persuasive.

The Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

10. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding applicant's argument of claim 1 on pg. 8, 1<sup>st</sup> full par., "...does not disclose prompting the originating party to decide whether or not to receive information local to the receiving party..."; and in the par. bridging pgs. 8-9, "...does not disclose querying the originating party as to whether to display the current location information of said receiving party, wherein whether or not the current location information of the receiving party is displayed depends on an answer of the originating party to the query...", the Examiner respectfully disagrees. Applicant has failed to interpret and appreciate the combined teachings of well-known prior art Rignell and other applied art that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. As a note, the claim language includes *whether or not* which is alternative language. In particular, Rignell discloses the language as related to the claimed feature(s)

prompting the originating party utilizing the originating PCD to decide whether or not to receive information local to the receiving PCD (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request as evidenced by the fact that one of ordinary skill in the art would clearly recognize prompting is disclosed whether automatic or a manual operation to provide the requested information. Furthermore, Rignell discloses the information about the local time of the time

zone (see col. 5, lines 16-20), where the local time of the time zone is relative to the time of day and the day is associated with a week, month, and year.; and

querying the originating party as to whether to display the current location information of said receiving party (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information; and

wherein whether or not the current local information of the receiving party is displayed depends on an answer of the originating party to the query (see col. 5, lines 15-19; col. 4, lines 60-64; col. 7, lines 15-18), where a determination is made for the information to be displayed and the sending party (A, caller) can have the information provided via a display or voice request in which there must be a querying as evidenced by the fact that one of ordinary skill in the art would clearly recognize whether automatic or a manual operation to provide the requested information. As further support in the same field of endeavor, Seppo discloses the language as related to the claimed feature(s) querying the originating party as to whether to display the current location information of said receiving party (see par. bridging pgs. 6-7). Therefore, the combination(s) of the reference(s) Rignell and other applied art as addressed above more than adequately meets the claim limitations.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Koyama (US 6,556,667 B1) discloses a communication apparatus. The communication apparatus can display information such as call date and time (see abstract; Fig. 2A).
12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. J. D., Jr./

WJD, Jr.  
15 April 2009

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617